



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 18-250
March 14, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
SCOTT-RICE TELEPHONE CO. FROM ALLSTREAM BUSINESS US, LLC
TO NEW ULM TELECOM, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-68

Comments Due: March 28, 2018
Reply Comments Due: April 4, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Allstream Business US, LLC (formerly known as Electric Lightwave Holdings, Inc. and Allstream Business US, Inc.) (Allstream) and New Ulm Telecom, Inc. (New Ulm) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting approval for the transfer of control of Scott-Rice Telephone Co. (Scott-Rice) from Allstream to New Ulm.¹

Scott-Rice, a Minnesota corporation, provides telecommunications services and other services as an incumbent local exchange carrier (LEC) in the communities of Prior Lake, Savage, Webster, Elko, and New Market in Scott and Rice Counties in south central Minnesota. Scott-Rice is wholly owned by Allstream Business US, LLC (Allstream), an Oregon limited liability company, which is a wholly owned subsidiary of Zayo Group, LLC (Zayo).

New Ulm, a Minnesota corporation, provides telecommunications services as an incumbent LEC, and through incumbent LEC and competitive LEC subsidiaries, in and around twenty communities in the counties of Brown, McLeod, Redwood, Carver, Nicollet, Meeker and Goodhue in southern Minnesota and Cherokee in northern Iowa.

Pursuant to the terms of the proposed transaction, Applicants request consent for the purchase of all the issued and outstanding stock of Scott-Rice by New Ulm from Allstream. After consummation of the proposed transaction, Scott-Rice will become a wholly owned subsidiary of New Ulm. Applicants contend that the proposed transaction will serve the public interest. Applicants state that the service areas of New Ulm and its affiliates do not overlap with, and are not adjacent to, Scott-Rice's service area.

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

Although Applicants request streamlined processing, because of the public interest review associated with this proposed transaction, the application is not subject to streamlined treatment.²

Domestic Section 214 Application Filed for the Transfer of Control of Scott-Rice Telephone Co. from Allstream to New Ulm, WC Docket No. 18-68 (filed Mar 8, 2018).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before March 28, 2018**, and reply comments or oppositions to petitions **on or before April 4, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, please provide one copy of each pleading to each of the following:

- 1) Jim Bird, Office of General Counsel, transactionteam@fcc.gov;
- 2) Dennis Johnson, Wireline Competition Bureau, dennis.johnson@fcc.gov;

² 47 CFR § 63.03(c)(1).

- 3) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov.

The proceeding in this Notice shall be treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁴ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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³ 47 CFR § 1.1200 *et seq.*

⁴ *See* 47 CFR § 1.45(c).